

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CORE WIRELESS LICENSING S.A.R.L.,

Plaintiff,

v.

APPLE, INC.,

Defendant.

Civil Action No. 6:14-cv-00752

**APPLE INC.'S NOTICE OF PARTIAL WITHDRAWAL OF ITS PENDING
MOTION TO DISMISS CORE WIRELESS LICENSING S.A.R.L.'S COMPLAINT**

For the reasons set forth below, Apple hereby withdraws the portion of its pending motion to dismiss in which it asked the Court to dismiss Core Wireless's claims of direct infringement.

1. On September 10, 2014, Core Wireless filed its Complaint in this action, in which it alleged that Apple has directly, indirectly, and willfully infringed five Core Wireless patents, and that Apple has breached a supposed contractual obligation to negotiate a license to Core Wireless's entire portfolio of allegedly standard-essential patents. (Dkt. 1.)

2. On November 17, 2014, Apple moved to dismiss Core Wireless's Complaint in its entirety on a variety of different grounds. (Dkt. 14.) With respect Core Wireless's direct infringement claims, Apple asked the Court to dismiss those claims because Core Wireless had failed to provide Apple with *any notice* of the specific features accused of infringement—thus rendering those claims subject to dismissal as a matter of law under Fed. R. Civ. P. 8 and the pleading requirements set forth in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). (Dkt. 14 [Mot]. at 21-22.) However, recognizing that P.R. 3-1

eventually requires Core Wireless to disclose additional information about its infringement allegations, Apple stated that it would withdraw any part of its Motion to Dismiss after receiving Core Wireless's P.R. 3-1 disclosures. (*Id.* at 29-30.)

3. On March 6, 2015, Core Wireless served its P.R. 3-1 infringement contentions, in which it provided additional information about its direct infringement allegations. (Dkt. 29.) In light of those disclosures, Apple is withdrawing the portion of its motion seeking to dismiss Core Wireless's claims for direct infringement. (Dkt. 14 [Mot]. at 21-22 (Section IV(B)(1)); Dkt. 26 [Reply] at 7-8 (Section II(C)(1).)

4. Apple is not withdrawing any other portion of its pending motion to dismiss, including the portions seeking dismissal of Core Wireless's legally insufficient claims for induced infringement, contributory infringement, willful infringement, and breach of contract. (Dkt. 14 [Mot.] at 10-20 (Section IV(A)) and 22-29 (Sections IV(B)(2)-(B)(4)); Dkt. 26 [Reply] at 2-7, 8-10 (Sections II(A), II(B), II(C)(2)-(C)(4).)

Dated: April 29, 2015

/s/ Joseph J. Mueller

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on all counsel of record via electronic mail in accordance with Local Rule CV-5(a)(7)(C).

Dated: April 29, 2015

/s/ Joseph J. Mueller

Joseph J. Mueller